

PROPERTY MAINTENANCE APPEALS BOARD
Monday, December 12, 2022 at 1:00 p.m.
141 N. Front St. Columbus, OH 43215
First Floor Conference Room

The Property Maintenance Appeals Board met at 141 N. Front Street – First Floor Conference Room, at 12:54 p.m. on December 12, 2022. The following members were present:

Pamela Palmer, Chair
Joyce Bruce, Co-Chair
Katie McCann
Scott Wolf

City Attorney Tracy Bradford was present as counsel to the Board. Property Maintenance Inspection Specialist Cassandra Scurlock was present as Board Secretary.

Old Business:

None.

New Business:

PMA-488

The appellant, Khyle Macarthy, was present. Code Enforcement was represented by Code Enforcement Officer (CEO) Jose Shipe.

CEO Shipe provided testimony explaining the exhibits of the case packet along with the current condition of the violation property. The property had been issued notice for violation of CCC 4525.11 and 4525.08. CEO Shipe advised the Board that the property remains in violation, presenting pictures taken on December 9, 2022 displaying bare wood surfaces at the siding, soffit and fascia and a hole at the wood siding, and a downspout that was disconnected. Board member McCann asked if anything had been taken care of since the original notice was issued. CEO Shipe said that there had not been any work done, as of December 9th. Board member McCann asked CEO Shipe if he had any communication with Mr. Macarthy. CEO Shipe said that he has spoken to him regarding the violations. CEO Shipe also said that during the conversation Mr. Macarthy said he does not live at the property all the time but he is there regularly.

The appellant, Khyle Macarthy provided testimony, stating that he lives at the home full-time. Mr. Macarthy also stated that the downspout has been fixed. Board member McCann asked when that was done, and Mr. Macarthy said he popped it back into place yesterday. Board member McCann asked if Mr. Macarthy is willing to paint. Mr. Macarthy said that he is, but the temperatures need to be above 50 degrees. Board Co-chair Bruce told Mr. Macarthy that the Board can allow time to take care of the painting. Board Chair Palmer asked if the hole in the wood siding is at the house or garage area. Mr. Macarthy said he has not noticed the hole at the wood siding. CEO Shipe said it's hard to determine if the hole would be at the garage or the house since they are connected. Board Chair Palmer urged Mr. Macarthy to repair the hole at the wood siding to prevent rodents from entering the property. There was additional conversation regarding the timeframe that the Board would allow for painting, and the Board also advised Mr. Macarthy to work with CEO Shipe for more time to complete the painting, if needed.

A finding of fact was made by the Board, to accept the evidence submitted regarding CCC 4525.11 and 4525.08 and to accept the testimony as true and accurate, and that the property is in violation of CCC 4525.11 and 4525.08. A motion for the finding of fact was made by Katie McCann and seconded by Scott Wolf. Motion grated 4-0.

A motion was made by Katie McCann and seconded by Scott Wolf to deny the appeal with modification to allow an additional 60 days for compliance (date: February 13, 2023). Motion granted 4-0.

Deny Appeal with modification to allow an additional 60 days for compliance (date: February 13, 2023), 4-0

PMA-489

The applicant attorney, Ron Gainer, was present. Code Enforcement Zoning Specialist (CEZS) Margaret Lafferty and Code Enforcement Officer Supervisor (CEOS) Will Whatley were present.

The applicant, Ron Gainer, provided proposed site plans to the Board. Mr. Gainer explained that a Verizon cell tower is located on the site, and there is ongoing theft and vandalism at the property. As a result, emergency calls to 911 are not able to go through. The variance request is for an additional interior fence to be installed, topped with razor wire, and adding razor wire on the ground between the existing exterior fence and the proposed interior fence. CEZS Lafferty added that everything electrical, copper or other value has been stolen from the site. CEZS Lafferty also said that the City supports the variance.

A finding of fact was made by the Board, to accept the evidence submitted regarding the request for variance to CCC 4525.13 and to accept the testimony as true and accurate. A motion for the finding of fact was made by Katie McCann and seconded by Joyce Bruce. Motion grated 4-0.

A motion was made by Katie McCann and seconded by Joyce Bruce to approve the variance to CCC 4525.13, to allow razor wire installation on the ground between the two fences, and razor wire installation at the top of the interior fence. Motion granted 4-0.

Approve the variance to CCC 4525.13, to allow razor wire installation on the ground between the two fences, and razor wire installation at the top of the interior fence, 4-0

PMA-490

The appellant, Ben Collier, was present. Code Enforcement was represented by Code Enforcement Officer (CEO) Ginger Voll.

The first matter of business for the Board was to rule on hearing of the appeal, since it had been submitted more than 15 days after service.

The Board referred to the Total Property Sequence Report, included in the evidence packet submitted by CEO Voll, to review the events of the case to date, to determine when service was achieved. The violation notice had been issued in November of 2021. After that, there had been several documented conversations, emails and meetings with CEO McCandlish. Mr. Collier

provided, that since there had been a gap in communication with CEO McCandlish, he presumed that the property was in compliance.

A finding of fact was made by the Board, to accept the evidence submitted that the request for appeal was sufficiently late, more 15 days after service of the notice, and to accept the testimony as true and accurate. A motion for the finding of fact was made by Katie McCann and seconded by Scott Wolf. Motion grated 4-0.

A motion was made by Katie McCann and seconded by Scott Wolf to deny hearing of the appeal. Motion granted 4-0.

Deny hearing of the appeal, 4-0

A motion was made by Scott Wolf and seconded by Katie McCann to accept the November meeting minutes from November 14, 2022. Approved 4-0

There being no further business, Pamela Palmer made a motion to adjourn the meeting at 1:30pm, seconded by Katie McCann. Meeting adjourned 4-0


Pamela Palmer
Chairperson


Cassandra Scurlock
Secretary